

REMARKS

Applicants appreciate the Examiner's thorough consideration provided in the present application. Claims 1-18 are currently pending in the instant application. Claims 1-3 have been amended. Claims 1-3, 7 and 13 are independent.

Claims 7-18 have been added for the Examiner's consideration. The subject matter of claims 7-18 is fully supported by the original written description, including but not limited to FIGs. 4, 6, 7 and 10; and the supporting discussion on pages 7-15 of the specification. Reconsideration of the present application is earnestly solicited.

Priority

Applicants appreciate the Examiner's indication of acceptance of the certified copy of the corresponding priority document for the present application.

Information Disclosure Statement

Applicants appreciate the Examiner's indication of acceptance and consideration of the information disclosure statement filed on January 8, 2001.

Drawings

Applicants would appreciate the Examiner's indication of acceptance of the formal drawings filed on November 8, 2000.

Claim Rejections Under 35 U.S.C. § 102

Claims 1-5 have been rejected under 35 U.S.C. § 102(b) as being allegedly anticipated by Schwartz (U.S. Patent No. 5,426,517). This rejection is respectfully traversed.

In light of the foregoing amendments to the claims, Applicants respectfully submit that all of the rejections have been obviated and/or rendered moot. Without conceding the propriety of the Examiner's rejection, but merely to expedite the prosecution of the present application, Applicants have amended claims 1-3 to clarify the claimed invention for the benefit of the Examiner. Accordingly, this rejection has been obviated and/or rendered moot.

Specifically, Applicants submit that the prior art of record fails to teach or suggest each and every limitation of the unique combination of limitations of the claimed invention. Accordingly, this rejection should be withdrawn.

For example, with respect to claim 1, Applicants submit that the prior art of record fails to teach or suggest each and every limitation of the unique combination of limitations of the claimed invention, including the feature(s) of: “executing a function for *automatically* changing a dynamic range of at least a part of the reproduced image *that has been selected by an action of a viewer viewing the reproduced image.*” (emphasis added) Accordingly, this rejection should be withdrawn.

For example, with respect to claim 2, Applicants submit that the prior art of record fails to teach or suggest each and every limitation of the unique combination of limitations of the claimed invention, including the feature(s) of: “executing a function for *automatically* changing a tone conversion characteristic of at least a part of the reproduced image *that has been selected by an action of a viewer viewing the reproduced image.*” (emphasis added) Accordingly, this rejection should be withdrawn.

For example, with respect to claim 3, Applicants submit that the prior art of record fails to teach or suggest each and every limitation of the unique combination of limitations of the claimed invention, including the feature(s) of: “an *area specifying device which specifies a desired area from within an image reproduced by the image output device that has been selected by an action of a*

viewer viewing the reproduced image; a tone conversion characteristic varying device which automatically changes a tone conversion characteristic of at least a part of the image containing the area specified by the area specifying device." (emphasis added) Accordingly, this rejection should be withdrawn.

Schwartz appears to describe an image processing system that enhances an image on a display in response to an input request from an operator. However, in Schwartz, the image enhancement is accomplished by transforming the image to compensate for tone compression, e.g., the image is remapped semi-automatically with a default tonal transform. Specifically, the Examiner will note that this process is a semi-automatic input process for inputting control points (see col. 13, lines 1-68 of Schwartz). The operator selects a region of an image that requires enhancement (either too light or too dark) with a cursor. Further, the "operator then has the option of specifying a desired value for that point which is different from the measured value. The software will then fit a cubic spline through the point which the operator has defined." (col. 13, lines 36-40 cited by Examiner) However, the Examiner will note that the tone is not varied unless the operator designates a new value different from the measured value.

In contrast, the function of changing the dynamic range of all or part of the playback image responsive to the "wishes of the viewer" occurs automatically in the claimed invention. Therefore, after the viewer has selected a region that may require enhancement by an action of the viewer, e.g., either through a touch panel or with the use of a line-of-sight detection apparatus, the CPU changes the dynamic range of the portion of the image specified by the viewer and appears to automatically reproduce a white-skip or blackening part, as necessary (see step S630, FIG. 6 of the present application to aid in the understanding of the present application).

With respect to claim 5, the Examiner's characterization of the Schwartz reference including a line of sight detection apparatus appears improper. Specifically, the hand-held mouse of Schwartz is clearly not a line of sight detection apparatus. Therefore, this rejection should be withdrawn.

Claim Rejections Under 35 U.S.C. § 103

Claim 6 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Schwartz in view of Truchet (U.S. Patent No. 5,606,345). This rejection is respectfully traversed.

In light of the foregoing amendments to the claims, Applicants respectfully submit that all of the rejections have been obviated and/or rendered moot. As discussed in greater detail hereinabove, Applicants submit that Schwartz fails to teach or suggest each and every limitation of the unique combination of limitations of the claimed invention of claims 1-3. Since Truchet fails to teach or suggest the shortcomings of the Schwartz reference identified hereinabove, this rejection should be withdrawn.

In addition, Schwartz does not appear to teach or suggest the use of any input by a viewer that automatically initiates the changing of the dynamic range (or the tone conversion characteristic of a part of the image). Finally, although Truchet does appear to describe the use of a touch screen for inputting responses from an operator as alleged by the Examiner, this reference does not appear analagous to the image processing system of Schwartz. The Truchet reference appears to have been provided to merely show that touch-screens exist. However, the Examiner has not provided a motivation suggested in the references themselves that would encourage one of ordinary skill in the art to alter the Schwartz reference to incorporate a touch-screen. Therefore, this combination of the prior art of record is respectfully traversed.

CONCLUSION

Since the remaining references cited by the Examiner have not been utilized to reject the claims, but merely to show the state-of- the-art, no further comments are deemed necessary with respect thereto.

All the stated grounds of rejection have been properly traversed and/or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently pending rejections and that they be withdrawn.

It is believed that a full and complete response has been made to the Office Action, and that as such, the Examiner is respectfully requested to send the application to Issue.

In the event there are any matters remaining in this application, the Examiner is invited to contact Matthew T. Shanley, Registration No. 47,074 at (703) 205-8000 in the Washington, D.C. area.

Applicants respectfully petition under the provisions of 37 C.F.R. § 1.136(a) and § 1.17 for a one-month extension of time in which to respond to the Examiner's Office Action. The Extension of Time Fee in the amount of **\$110.00** is attached hereto.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit

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Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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